



ENVIRONMENTAL & REGULATORY SERVICES DIVISION  
BUREAU OF PECFA  
P.O. Box 8044  
Madison, Wisconsin 53708-8044  
TDD #: (608) 264-8777

Jim Doyle, Governor  
Jack L. Fischer, A.I.A., Secretary

## Wisconsin Department of Commerce, Bureau of PECFA Bid Document

### SECTION 1 - Scope of Work

The Bureau of PECFA is seeking competitive bids to perform remedial services for a petroleum release from a regulated petroleum product storage tank system. This bid is for a specified work scope. The site upon which bids are being solicited is:

**Bid Round:** 54  
**Comm #:** 53704-4233-10-A  
**BRRTS #:** 03-13-002715  
**Site Name:** Sherman Avenue Food Mart  
**Site Address:** 1010 N Sherman Ave, Madison, 53704  
**Site Manager:** Wendell Wojner  
**Address:** 3911 Fish Hatchery Rd  
**City, State Zip:** Fitchburg, WI 53711-5367  
**Phone:** 608-275-3297  
**e-mail:** wendell.wojner@wisconsin.gov  
**Bid Manager:** Jon Heberer  
**Address:** P.O. Box 8044  
**City, State Zip:** Madison, Wisconsin 53708-8044  
**Phone:** (608) 261-5405  
**e-mail:** Jon.Heberer@Wisconsin.Gov

<b>Bid-Start Date:</b>	<b>April 07, 2008</b>
<b>Questions must be received by (See Section 2 (B)):</b>	<b>April 21, 2008 4:00 PM</b>
<b>Responses will be posted by (See Section 2 (B)):</b>	<b>May 09, 2008</b>
<b>Bid-End Date and Time:</b>	<b>May 23, 2008 4:00 PM</b>

The case file, including report(s) and other pertinent information upon which bids are being sought, are available for review at the Site Manager's location listed above. Please contact the Site Manager for an appointment to review the file.

Copies of report(s) and other pertinent information are available on the Commerce PECFA Public Bidding website. If pertinent information is not available, please contact the Site Manager.

## **SECTION 2 – Site-Specific Bid Requirements**

### **General Comments**

The site has been involved with vehicular refueling since about 1967. There had been a dry cleaning operation located at the site from 1952-1967. In September 1995, contamination was observed during site survey work. In 1996, fourteen soil borings were performed and six monitoring wells constructed. In February 1999, one 10,000 gallon underground diesel storage tank and three 10,000 gallon underground gasoline storage tanks were removed. Soil contamination was found during the tank removals. About 1,197 tons of contaminated soil (553 tons of PECFA eligible soil) was removed in the Spring 1999. In addition, about 60 tons of PCE impacted soil was removed and disposed of. Confirmation samples show that contamination remains. In September 1999 an additional two soil borings were completed as monitoring wells.

The site was remodeled and pump islands, tanks and buildings were relocated. Currently, the site sells gasoline and has a convenience store. There are three underground petroleum storage tanks: 8000 gallon Diesel, 8000 gallon Unleaded and 15000 gallon Unleaded.

The site has almost 20 feet of silty clay with little sand and traces of gravel. Silty sand was noted in a few of the boring logs. The hydraulic conductivities are between  $1.5 \times 10^{-3}$  cm/sec to  $6.9 \times 10^{-4}$  cm/sec. Groundwater was encountered at 11-15 feet bgs. Flow seems to be northeasterly.

Relevant information from the case file may be obtained on the Commerce PECFA Public Bidding website. The entire case file may be reviewed at the WDNR South Central Region office in Fitchburg, WI.

### **Minimum Remedial Requirements**

The monitoring wells need to be properly developed according to NR 141 Wisconsin Administrative Code. Depth to the groundwater and depth of each well needs to be measured and recorded at the time of each site visit. When the above tasks are completed, the wells should be sampled and the groundwater analyzed. Quarterly groundwater monitoring shall be conducted for 4 quarterly rounds following the general site maintenance survey and shall follow the protocol of the following table:

Wells	Sampled 4 rounds	Sampled 1 (initial) round only
MW1R(AX-2), MW-2, MW-3, MW-4, MW-5, MW-6, MW-7, MW-8(AX-1)	VOCs and PAHs	Natural Attenuation Parameters

Analyze the groundwater samples for volatile organic compounds (VOCs) and PAHs in the first monitoring round. Include, at a minimum, all substances detected in the first round of monitoring in the subsequent monitoring rounds. (Note that the costs of the VOC analyses are not eligible for reimbursement by the PECFA Program.)

The monitoring wells shall be surveyed to the National Geodetic Survey datum, per requirements of s. NR 141.065(2) Wisconsin Administrative Code. Measure groundwater elevations in all of the site's monitoring wells, including piezometers, in each of the required monitoring rounds and include the results in tabular form in the reports required below. Prepare a groundwater flow map, including equipotential contour lines and flow direction arrows, for the water table observation wells. These flow maps shall be prepared for each sampling round and shall be included in the report required in a task that follows below.

Well caps and locks need to be evaluated and replaced as needed.

The bid shall include costs for disposal of all groundwater monitoring waste generated.

In addition to the Comm 47 reporting requirements, a brief letter is to be submitted within 45 days of the receipt of the laboratory data for each groundwater sampling event except the last groundwater sampling event. Upon completion of the fourth round of groundwater monitoring, prepare a report that includes updated summary results tables and an evaluation of site conditions, historical soil and groundwater analytical data, disposal documentation and the evaluation for potential closure consistent with the requirements of NR 726, Wis. Adm. Code.

While this bid is not a bid to closure, there is a possibility of attaining closure at the conclusion of the work scope conducted under this bid. If closure is appropriate, prepare and submit a complete closure report and GIS Registry packet (consistent with ch. NR 726, Wis. Adm. Code requirements) for closure consideration. For the purposes of the bid, bidders should include all closure-related costs (including, but not limited to final well abandonment costs, closure form and narrative, GIS packet, deed restriction and maintenance plan) in their bid total. On the bid response, provide a separate line item that provides the amount of the total bid cost that is associated with the closure-related costs. If closure is available following the work scope activities conducted, then the cost cap established by this bid will be modified by the amount of the closure-related costs.

### **SECTION 3 - Reporting Timeframes**

Within *60 days* of the Commerce notification of the maximum reimbursement amount, the responsible party (RP) must execute a written contract with one of the firms that submitted a bid. Failure to execute the written contract within this time will result in ineligibility of interest expenses incurred from the date of the reimbursement cap letter until a contract is executed and work commences at the site. Work must commence within *45 days* of signing a contract. There are specific reporting requirements in Comm 47.70 to monitor the progress of activities at each bid site and there may be additional reporting requirements outlined above. The consulting firm that is contracted to complete the scope of work is required to report the progress of this site to Commerce electronically on the web site at each of the following points:

1. Within fourteen days of executing or terminating a contract with the RP.
2. Three months after entering into the contract with the RP.
3. Twelve months after beginning the work in the successful bid, unless the project is completed before that time (point 6 applies).
4. Twelve months after submitting the previous report (point 3), unless the project is completed before that time (point 6 applies).
5. No later than 10 days after encountering a change in circumstances (the list of circumstances is in Comm 47.70 (3)).
6. No later than 30 days after completing the work.
7. As directed by Commerce.

If Commerce determines that the consulting firm is failing to make adequate progress to complete the scope of work, Commerce will notify the RP and may reduce the reimbursement to accurately reflect the work completed.

#### Claim Submittal

A claim must be submitted to Commerce within 120 days of submitting the report described in *Reporting Timeframe, point #6*. If a claim is not submitted by the deadline described above, interest costs from the date the report (point #6) is submitted to the date the claim is received will not be reimbursed to the claimant. The claim preparation cost must be included in the Total Bid Amount and is considered within the reimbursement cap.

## Questions and Answers

Questions, answers and interpretations will be considered an amendment of this solicitation. All questions must be submitted in writing (fax and electronic mail submittals are acceptable) to the Bid Manager identified in Section 1 of this solicitation. All answers and interpretations shall be in writing from the Bid Manager. Neither the PECFA program nor Commerce shall be legally bound by any amendments or interpretations that are not in writing. Bidders are not to contact other personnel located within the Department of Commerce/Bureau of PECFA concerning the site or the bid solicitation between the Bid Announcement Date and Bid End Date. No further questions will be addressed after the deadline for submitting questions identified in Section 1.

### **SECTION 4 - Conditions of Bid**

The successful bidder will be the entity that complies with all provisions of the bid and provides the lowest total cost, excluding interest, for the site-specific bid requirements described in Section 2. In preparing the bid, the bidder must assume compliance with all applicable codes, including, but not limited to, §Comm 46, §Comm 47, and §NR 700 Wis. Admin. Codes.

The bid Commerce selects to determine the least costly method of remedial action will be the least costly qualified bid. Commerce will rank the bids solely on the basis of cost. Evaluation of bids will continue until the least costly qualified bid is identified. Submittals from an individual or firm during their period of disqualification from bidding, submittals received late and for submittals without a certified commitment (performance assurance and/or signature) will not be considered as bids. Commerce may disqualify a bid for the following reasons:

- Requirements of the bid specifications have not been met.
- The remedial strategy is not appropriate to the geologic setting.
- A Total Bid Amount is insufficient to fund the activities described in the bid specifications.

Commerce reserves the right to reject any and all bids.

Any proposed technology or methods used in the remediation must be allowed for use in the State of Wisconsin and approvable by the agency with jurisdiction (Natural Resources or Commerce).

The bidder Commerce intends to select may be required to provide input to and attend a meeting with the PECFA program and the claimant to explain the bid and remedial approach.

If a bid is disqualified, Commerce will provide written notification to any individual or firm that submitted a disqualified bid. The notification shall specify the reasons for the disqualification, and inform the individual or firm of their right to protest or appeal the decision. If a bid is more costly than the bid Commerce intends to select, the bid will not be reviewed.

The *Notice of Intent* will identify the least costly bid, disqualified bid(s) and bid(s) not reviewed. The *Notice of Intent* will be sent to the RP and will be posted on PECFA's Internet Web site.

## SECTION 5 - Instructions to Bidders

Between the bid start and end dates, bidders shall not discuss or attempt to negotiate any aspects of the bid with the RP, other potential bidders or program staff without prior approval of the Bid Manager identified in Section 1. Infractions will result in rejection of the violator's bid and may result in a formal complaint being filed with the Department of Regulation and Licensing.

If access to the site is necessary for the preparation of a bid, access shall be arranged through the Bid Manager. If the Bid Manager is not able to arrange site access, this will not delay the bid process nor negate the comparison and selection from among the bids submitted. All costs associated with a site visit or preparation of a bid will be the bidder's responsibility.

The Bidding Process must conform to the following:

1. The Bid Response shall address all the site-specific bid requirements identified in Section 2.
2. The total bid amount to accomplish the stated goal must include all fees, reporting costs, pre- and post-closure costs and costs for establishing restrictions or institutional controls, when applicable (interest costs are excluded).
3. The submittal must include a copy of the Bid Response document signed by a Professional Engineer, Professional Geologist, Hydrologist or Soil Scientist licensed by the State of Wisconsin. The appropriate registration number of the professional license must be included. Registration requirements are listed in Comm 5.
4. Bids *cannot* be faxed or sent electronically (email) to the program. Documents received by fax or email will not be considered.
5. Bids, amendments thereto or withdrawal requests must be received by 4 pm on the bid end date.
6. The consulting firm's name must be included and all pages of the Bid Response.
7. All costs must be printed (ink, typewritten or computer). Errors must be crossed out, corrections entered and initialed by the person signing the bid. Correction fluid is not allowed. No bid shall be altered or amended after the time specified for the bid end date.
8. Each bidder shall fully acquaint themselves with conditions relating to the scope and restrictions attending to the execution of the work under the conditions of this bid. The failure of a bidder to acquaint themselves with existing documented conditions shall in no way relieve any obligation with respect to this bid.
9. All amendments to and interpretations of this bid shall be in writing from the Bid Manager. Neither Commerce nor the program shall be legally bound by any amendment or interpretation that is not in writing.
10. This bid is intended to promote competition. If the language, specifications, terms and conditions, or any combination thereof restricts or limits the requirements in this bid to a single source, it shall be the responsibility of the interested bidders to notify the program in writing so as to be received five days prior to the opening date. The bid may or may not be changed; however a review of such notification will be made prior to award.

## **SECTION 6 - Bidder Disqualification**

Commerce may disqualify from public bidding any individual or firm that has committed any of the following (Comm 47.67 (1) (a)):

1. Failed to complete the scope of work within the reimbursement cost cap established through public bidding.
2. Failed to complete the scope of work in a bid in a timely manner.
3. Failed to follow DNR rules on the bid project.
4. Received one or more notices from Commerce under s. Comm 47.62 (2) that assess the financial management of an investigation as unacceptable.
5. In any prior occurrence that has been publicly bid, failed to do either of the following:
  - a. Pay subcontractors after receiving payment for them.
  - b. Obtain lien waivers on or before the date of the final payment by the RP or the PECFA program, from all subcontractors paid under subd. 5. a.
6. Failed to execute a contract with the RP as required in s. Comm 47.69 (1).
7. Failed to commence work within 45 days after executing a contract, as required in s. Comm 47.69 (3).

Commerce may disqualify any individual or firm from performing further work on a project if the individual or firm has not completed any of the six reporting points required in Comm 47.70 and outlined in Section 2 of this bid document. Commerce will review and address the issue as stated in Comm 47.70 (4).

## BID RESPONSE

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Department of Commerce PECFA Program

**SITE NAME: Sherman Avenue Food Mart**

**COMMERCE #: 53704-4233-10**

**BRRTS #: 03-13-002715**

Submit Bid Response To: Cathy Voges  
Public Bid Response  
Department of Commerce PECFA Bureau  
201 W Washington Ave, Madison WI 53703-2760 or  
PO Box 8044, Madison WI 53708-8044

Consulting Firm Name: \_\_\_\_\_

Complete Mailing \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: (     ) - \_\_\_\_\_

Fax Number: (     ) - \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Bidder (check one that applies):

<input type="checkbox"/>	Professional Engineer	License # _____
<input type="checkbox"/>	Professional Geologist	License # _____
<input type="checkbox"/>	Hydrologist	License # _____
<input type="checkbox"/>	Soil Scientist	License # _____



Use this box to certify (by marking with a check or X) a commitment to complete the work described in the bid specifications in its entirety for the Total Bid Amount proposed below. Failure to provide this performance assurance will disqualify this bid response. Providing unsolicited qualifications and/or contingency statements in your bid submittal will disqualify the bid response.

Total Bid Amount: \$ \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

I certify that I have the authority to commit my organization or firm to the performance of the bid I have submitted.

Signature: \_\_\_\_\_



## BID RESPONSE

(2<sup>nd</sup> Page)

Department of Commerce PECFA Program

**SITE NAME: Sherman Avenue Food Mart**

**COMMERCE #: 53704-4233-10**

**BRRTS #: 03-13-002715**

**Consulting Firm Name:** \_\_\_\_\_

A bid will be considered non-compliant if the bid response does not include a separate tabulation of costs for each activity.

1	Groundwater monitoring, quarterly for four quarters	\$
2	Well Survey	\$
3	Reporting	\$
4	PECFA Claim Preparation	\$
	<b>Total Bid Amount</b>	<b>\$</b>
<b>CONTINGENCY COSTS</b> <b>(Will be Approved and Added to the Bid Cap as Needed)</b>		
•	Closure-related costs (lump sum), including but not limited to case summary and closeout form and report, GIS Registry requirements, appropriate notification to the public, and well abandonment costs	\$